IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH, NAGPUR

L.P.A.No.25 of 2007 in

W.P.No.3103 of 1994 (Decided)

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Office Notes, Memoranda of Coram, appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

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CORAM **:** D.D.Sinha and
A.B.Chaudhari, JJ.

DATE **:** February 26, 2007.

Heard Mr. B.M.Khan, Counsel for the Appellant and Mr.Parihar, Assistant Government Pleader for the Respondent No.1.

Looking to the tenor of the order passed by the learned Single Judge, we are of the view that the jurisdiction exercised by the learned Single Judge is under Article 227 of the Constitution of India simplicitor and therefore, in view of the decision of this Court in ***Letters Patent Appeal No. 56 of 2006, Kanhaiyyalal Fattelalji Upadhyaya, through L.R. Smt. Rukmani wd/o. Kanhaiyyalal Upadhyaya and Others vs. M/s. Mahavir Tea Co., Nagpur and Others, dt. 7.2.2007***, present Letters Patent Appeal is not maintainable. Hence, the same is dismissed as not 'maintainable'.

Learned counsel for the Appellant states that employment of the appellant may not be disturbed for a period of four weeks in order to enable the appellant to approach the Apex Court. Since the

petitioner is in service for a long time, protection is granted for a period of four weeks, as prayed for. The respondent need not disturb the services of the petitioner for a period of four weeks. However, it is made clear that this protection shall cease to operate thereafter automatically after expiry of four weeks.

JUDGE JUDGE

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